



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,417	01/20/2000	Magda Mourad	SE9-99-020	3136

23334 7590 04/14/2004

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI
& BIANCO P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,417

Applicant(s)

MOURAD ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in response to the Request for Continued Examination (RCE) filed on 13 February 2004 (paper #20) and the amendment received on 13 February 2004 (paper #21).
2. Claims 1, 3-7, 9-14, 19, and 21 have been amended (paper #21).
3. Claim 25 has been added (paper #21).
4. Claims 1-25 have been examined.
5. The rejections of claims 1-24 have been updated to reflect the amended limitations.
6. The rejection of claim 25 is new.

RESPONSE TO ARGUMENTS

7. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 7, 13, 15, 16, 21-3, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon (US 6,337,911 B1) in view of Gruse et al. (US 6,398,245 B1), and further in view of Graunke et al. (US 5,991,399 A).

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claims 1, 7, 13, 15, 16, 21-23, and 25:

Dillon '911 discloses using a symmetrical encryption scheme, such as DES I.e., public and private key infrastructure (PKI) in column 5, lines 23-37. Dillon '911 also discloses an electronic document distribution system such that Applicants' step of encrypting the data reads on the document of Dillon '911 in column 6, lines 57-58, Applicants' first decrypting key reads on the key seed and Applicants' second encrypting key reads on the Dillon '911 teaching of encrypting the announcement message in column 6, lines 44-48 and lines 57-58. Applicants' promotional metadata reads on the catalog. Dillon '911 also discloses multiple broadcast mediums (column 3, lines 32-45). Dillon '911 does

not specifically disclose a double-encryption technique where a first encryption key is encrypted using a second encryption key. However, Gruse discloses multiple encryptions of multiple keys for a digital contents player (see at least the abstract and column 6, lines 23-44, as well as other related text). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dillon with Gruse because the enhanced key management system for a digital content player decreases the likelihood that digital works can be copied without the consent of the owner.

The combination of Dillon/Gruse does not specifically disclose a tamper-resistant environment. Graunke, however, in the abstract and other related text, discloses a tamper resistant environment, trusted media player, encryption, and key management. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dillon/Gruse with Graunke because this ensures that "only a specific trusted player can use the private key to access specific encrypted digital content" (Graunke: column 1, lines 5-10).

Claim 2:

Dillon '911 teaches scheduling the promotional data.

Claim 3:

Dillon '911 teaches the use of a web browser within their respective receivers.

10. Claims 5, 8-12, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon/Gruse/Graunke and further in view of Dillon (US 6,351,467 B1).

Claims 5, 12 and 24:

The combination of Dillon/Gruse/Graunke discloses the limitations as shown above. Dillon/Gruse do not specifically disclose utilizing DirecPc™ broadcasting format. Dillon '467, however, in at least Figure 12 discloses DirecPc™. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dillon/Gruse/Graunke with Dillon '467 because utilizing private satellite networks as a transmission medium increase customer base, increasing profitability.

Claim 8:

Dillon '467 teaches utilizing a web browser (column 1, lines 18-25).

Claims 9-11:

See Dillon '467, column 18, lines 51 – 60.

Claim 14:

See Dillon '467, column 18, lines 15 – 30.

11. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon/Gruse/Graunke and further in view of CableVision (periodical).

Claims 4 and 6:

The combination of Dillon/Gruse/Graunke discloses the limitations as shown above. Dillon/Gruse do not specifically disclose broadcasting promotional data including a schedule of the broadcast time, CableVision teaches that DirecTv™ and DirecPc™ (DirecPc™ is disclosed in Dillon '467) were combined (DirecDuo™). Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the features of DirecTv™, which inherently includes broadcasting promotional data including a schedule of broadcast times, in combination with the teachings of Dillon/Gruse/Graunke as they are all relevant to electronic document distribution.

12. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon/Gruse/Graunke and further in view of Horstmann (US 6,009,401).

Claims 17 and 18:

The combination of Dillon/Gruse/Graunke discloses the limitations as shown above. Dillon/Gruse/Graunke do not specifically disclose a clearinghouse. Horstmann, however, in column 1, lines 38-52 teaches an electronic software distribution system such that Horstmann teaches that a clearinghouse in addition to a publisher (Broadcast center) may be used, or that it could be a publisher (Broadcast center) that also acts as a clearinghouse - as is taught by the Dillon references. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to

utilize such an arrangement as disclosed by Horstmann rather than have the broadcast center of the Dillon references perform the billing functions.

13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon/Gruse/Graunke/Dillon/Horstmann.

Claim 19:

The limitations of claim 19 recite essentially the same scope of the limitations contained within the claims shown above, and are therefore rejected on the same grounds.

14. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon/Gruse/Graunke/Dillon/Horstmann/CableVision.

Claim 20:

The limitations of claim 20 recite essentially the same scope of the limitations contained within the claims shown above, and are therefore rejected on the same grounds.

Application/Control Number:
09/487,417
Art Unit: 3621

Page 8

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687	[Official communications; including After Final communications labeled "Box AF"]
(703) 308-1396	[Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

JAR

09 April 2004

